

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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**OLIVER BRUCKAUF**, as Parent and Natural Guardian  
of **E.B.**, and **OLIVER BRUCKAUF**, Individually, *et al.*,

Plaintiffs,

24-cv-05136 (LGS)

-against-

**NOTICE OF MOTION**

**DAVID C. BANKS**, in his official capacity as Chancellor  
of the New York City Department of Education, and the  
**NEW YORK CITY DEPARTMENT OF EDUCATION**,

Defendants.  
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**PLEASE TAKE NOTICE** that, upon the accompanying Memorandum of Law in Support of Plaintiffs' Motion to Stay this Court's May 21 Order Dismissing their Amended Complaint and Denying their Motion for Preliminary Injunction, and for a Preliminary Injunction Pending Appeal, Plaintiffs will move, pursuant to the Individuals with Disabilities Education Act, 20 U.S.C. § 1415(j), before the Honorable Lorna G. Schofield, United States District Judge, at the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, NY 10007, at a date and time to be determined by the Court, for an Order:

- a) staying this Court's May 21, 2025, Order dismissing Plaintiffs' Amended Complaint, pending resolution of the appeal of this matter before the United States Court of Appeals for the Second Circuit, Appeal No. 25-1355;
- b) entering a preliminary injunction:
  - i. Confirming each Student's pendency program or placement at iBRAIN throughout the administrative and judicial proceedings regarding their DPC for the 2024-2025 ESY, including during the expedited appeal;
  - ii. Confirming each Student's entitlement to funding, as pendency, at iBRAIN throughout the administrative and judicial proceedings regarding their DPC for the 2024-2025 ESY, including during the expedited appeal; and
- c) Granting such other, further and different relief as the Court deems just, proper, and equitable.

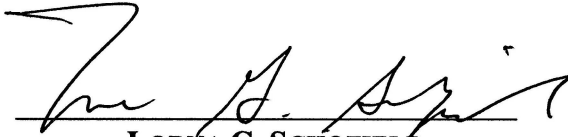
Dated: July 16, 2025  
New York, NY

Respectfully submitted,  
Liberty & Freedom Legal Group  
*Attorneys for Plaintiffs*

By: /S/  
Rory J. Bellantoni, Esq.  
105 East 34<sup>th</sup> Street, #190  
New York, NY 10016  
(646) 850-5035  
rory@pabilaw.org

By **July 25, 2025**, Defendants shall file any opposition to Plaintiff's motion. By **July 29, 2025**, Plaintiff shall file any reply.

Dated: July 18, 2025  
New York, New York

  
**LORNA G. SCHOFIELD**  
**UNITED STATES DISTRICT JUDGE**